

DETAILED ACTION

Response to Amendment

1. The Examiner has carefully considered Applicant's amendments and accompanying remarks dated 08/28/07. Applicant's amendments to claims 9, 11, 16 and 21 have all been entered. Currently, the claims that are under prosecution are 9-13, 15-17 and 21.

Response to Arguments

2. Applicant's arguments with respect to claims 9-13, 15-17 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-13, 16, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3634126 issued to Cain in view of US 2004/0137814 issued to Kimbrell et al.

5. Cain teaches a method for depositing two compositions on a fabric wherein each surface of the fabric contains different compositions (column 1, lines 5-10, column 2, lines 42-70). The compositions applied to the fabric in accordance with the invention may be either solid or liquid compositions impart a plethora of properties which can include durable creasing, soil release, abrasion resistance, antistatic, wash and wear characteristics, fire retardancy, lubricants, softeners etc., (column 1, lines 20-25 and column 3, lines 19-30). The reference teaches that two fabrics may be coated having two different coatings per fabric (column 4, lines 1-10). Cain also sets forth that one side may be treated with acrylics (see

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working Examples). The Examiner is equating this to be equivalent to Applicant's anionic treatment. Thus, Cain teaches a textile fabric, which has a first side and a second side, and each side respectively is coated with a different composition that is substantially isolated. Cain et al. allude to the teachings that the coating compositions are chosen to impart multiple properties, such as soil release within the same textile, but fails to expressively suggest that the first side is coated with a cationic water repellant fluorochemical treatment. Kimbrell et al remedy this.

Kimbrell et al. teach treating textile substrates with fluorocarbon in a minimal amount to impart the properties of oil and water repellency. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to coat one side of the textile with a fluorocarbon such as that suggested by Wang et al., motivated by the reasoned expectation of providing a composite that was waterproof and oil repellant on at least one side.

With regard to the properties desired by Applicant in Claims 11-13 against the test methods, it is the position of the Examiner that if structurally and chemically the same article is produced then when tested against the same test methods the results would also be the same. If Applicant disagrees with this then the burden is shifted to Applicant to prove otherwise.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on M-T 9-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arti Singh/
Primary Examiner
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